

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25745 of 2005

Between:

L.Jhansi Rani

..... PETITIONER

AND

The Collector and District Manager,

Guntur, Guntur District

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the impugned order in Revision Case No.25/2005-S7, dated 02.07.2005, rejecting to grant stay of the proceedings of the 2nd respondent dated 16.04.2005 vide A.C.D.Dis.No.13/2005-S7, as arbitrary and illegal, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner was appointed as a fair price shop dealer of Gogulamudi village, Pedanandipadu Mandal of Guntur District. While so, based on the report of the Mandal Revenue Officer, the authorization of the petitioner was suspended pending enquiry vide proceedings dated 02.10.2004 of the 3rd respondent. The 3rd respondent has issued a show cause notice to the petitioner on 06.12.2004 and the petitioner has submitted her explanation to the said show cause notice on 22.12.2004. As against the suspension order pending enquiry, the petitioner also filed an appeal before the 2nd respondent along with stay application, but the 2nd respondent rejected the stay application vide his proceedings dated 24.11.2004. Aggrieved by the same, the petitioner filed W.P.No.22143/2004 before this Court and this Court by order dated 02.12.2004, disposed of the said writ petition, permitting the petitioner to function as fair price shop dealer till the disposal of the appeal.

It appears that the 2nd respondent has disposed of the appeal by order dated 03.02.2005, directing the 3rd respondent to finalise the disciplinary proceedings pending against the petitioner within one month. Thereafter, the 3rd respondent, based upon the earlier show cause notice issued on 06.12.2004 and explanation submitted by the petitioner on 22.12.2004, passed orders on 17.02.2005, cancelling the dealership of the petitioner, on the ground that the charges, framed against the petitioner, have been proved.

The learned counsel for the petitioner submits that pursuant to the show cause notice, no enquiry has been conducted and the explanation of the petitioner was considered with reference to the enquiry report of the Mandal Revenue Officer, which was submitted prior to the issuance of the show cause notice. However, against the cancellation order, an appeal has been filed by the petitioner before the

2nd respondent and the same was also dismissed by proceedings dated 16.04.2005 of the 2nd respondent.

Though the petitioner was permitted to carry on business pending enquiry, there was no stay granted during the pendency of the appeal. As against the order of the appellate authority, the petitioner filed a revision along with stay application before the 1st respondent. The revisional authority by order dated 02.07.2005 rejected the stay application. As there was no stay in favour of the petitioner from 17.02.2005, I am not inclined to grant stay of operation of the cancellation order.

Having regard to the facts and circumstances of the case, the

1st respondent is directed to consider and dispose of the revision itself, in accordance with law, after giving a reasonable opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Till then, the fair price shop in question shall not be notified for appointment of dealer on regular basis.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 16.12.2005

Dsr